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C O N F I D E N T I A L SECTION 01 OF 02 KABUL 000701

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SUBJECT: ELECTORAL REFORM: DON'T COUNT ON QANOONI

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Classified By: Ambassador Karl W. Eikenberry; Reasons 1.4 (b) and (d)0

11. (C) Summary: I met with Lower House Speaker Qanooni to learn what Parliament's legislative priorities will be in the next session, to understand Speaker Qanooni's views on President Karzai's Presidential Decree on the Electoral Law, and to ask what his views were on how we could jointly strengthen Parliament. Speaker Qanooni provided an overview of the Lower House's priorities and spoke to his desire to work more closely with the Embassy to make Parliament a stronger institution. Most of our discussion centered on the Parliamentary response to the Presidential Decree and the larger issue of the importance of the 2010 Parliamentary elections to domestic audiences in both Afghanistan and the United States. I offered frank comments to Speaker Qanooni on how Congress and the American public may view an election that is as flawed as the Presidential elections. End Summary.

Qanooni's Parliamentary Agenda

12. (C) In a meeting at Qanooni's residence, he shared his plans to meet on February 28 with heads of the 18 Lower House committees to develop a strategy to handle the most serious problems facing the Afghan people (without specifying what the problems were), develop a plan to shepherd a handful of laws through the Lower House, and a means of monitoring and supervising Lower House activities and procedures. Responding to my comment about finding ways to buttress our support to Parliament, Qanooni said he felt we should consult more often on issues of mutual interest.

Elections - The Main Issue at Hand

13. (C) Most of our conversation focused on a Parliamentary response to President Karzai's February 17 decree on the Electoral Law and the overarching topic of the impending Parliamentary elections. In response to my question about his views on the decree, Qanooni allowed that certain provisions were good, but noted that the improvements were overshadowed by a number of problematic issues. His chief complaint was that the absence of international participation in the Election Complaints Commission (ECC) will make fair elections problematic. He made the point that if one person (in this case Karzai) appoints all members of the Independent Election Commission (IEC) and the ECC, the outcome of the parliamentary election would be determined by the government, not the Afghan people.

14. (C) Qanooni then reprised the two sides of the debate on whether or not Parliament could act on the decree, asserting that some MPs felt the Constitution constrained Parliament from acting on changes to the Electoral Law during their

final year in session, while others (including Qanooni) believed the Constitution permitted them to act on a Presidential Decree. He said he would meet with Lower House committee chairs on February 28 to discuss whether or not to bring this decree to the Lower House for debate. Qanooni supported the idea of eventually seating only Afghans on the IEC and the ECC, but not now. Afghan political institutions are not sufficiently advanced for this move and, still for an interim period it is paramount that internationals participate in relevant Afghan institutions, he said.

Is Karzai Ready to Assume the Blame for Electoral Failure?

15. (C) I ventured that Afghanistan certainly needs electoral reform, but that reforms must come from Afghan political institutions, including from Parliament. Noting it was incumbent upon Afghan political elites to remember that the views of both Afghans and the international community toward the conduct of parliamentary elections are important, I voiced concern that the Palace might not be paying enough attention to the latter. Americans and Europeans, in good part, believe the building of democratic institutions is critical to Afghanistan's long-term stability. Eight-plus years after the fall of Taliban, major setbacks in our efforts to establish representative government could dangerously erode confidence in a mission increasingly questioned by our people. Further, there are risks attached to excluding the international community from membership in the ECC, participating as observers during the elections, and involvement in vetting candidates. If the international community is prevented by the provisions of Karzai's decree from participating in the parliamentary elections and all goes well, that would be a tremendous confidence-building

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success for Afghanistan. However, this will not be the case. The election process will be flawed at best, and all blame for failures will fall squarely on Afghan shoulders. The blow to democratic Afghan institutions could be devastating. On the other hand, if steps are taken to restore international participation, we can mitigate the risks in the elections. This would also provide more time for relevant institutions to mature for the following round of elections, I suggested.

U.S. Presence Critical to Electoral Success

16. (C) Agreeing with Qanooni on the need to maintain international participation on the ECC, I asked Qanooni if he knew of Kai Eide's earlier proposal to Karzai to appoint two internationals to the five-member ECC, a South African well-regarded by Nelson Mandela and either a Palestinian or Bangladeshi judge. Qanooni said he was unaware of the suggestion. I said placing two internationals on the ECC (the vote of one of whom would be required for a majority decision) could satisfy both the desire of Afghans to assume a leading role in their own electoral bodies as well as the desire of the international community to nurture those same bodies. Also essential was continued international participation in the candidate-vetting process. It would be worthwhile to have NATO ISAF and UNAMA to have an observer role. I cautioned that these were not our demands, but merely our perspective on needed reforms.

17. (C) Qanooni replied that Afghanistan needed the United States and that our presence was critical to the success of the parliamentary elections. He said there was no reason to diminish international participation in the ECC and having three members would be best. On the other hand, there was widespread support among average Afghans for Karzai's decision to remove all foreigners from the ECC. Only Afghan

political elites, noted Qanooni, saw foreign participation in the ECC as an important issue, and it was clear few of these would openly fight for their convictions.

Disconcertingly, Qanooni followed that comment with his assessment that they were facing a "done deal" regarding the consequences of Karzai's decree on the Electoral Law, implying that he felt Parliament would be unable to bring about the adjustments to the decree that I had described. I emphasized my hope that Qanooni would act decisively in the days to come and press for these changes, noting that regardless of outcomes, key IEC and ECC leaders must be named soon given the September 18 election date. I reviewed with Qanooni his options: accept or reject the decree in its entirety or consult with Karzai and argue for reforms within the framework of the decree.

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18. (C) When invited to comment on his perspective on Karzai's decree, Qanooni started out strong, saying all the right things about the need for changes in the areas of international participation in the ECC, in candidate vetting, and participation as election observers. Qanooni deflated, however, after I asked if Parliament would take action. He was taken aback when I emphasized that the credibility of Afghanistan's parliamentary elections could affect U.S. public opinion; a poor outcome absent the enactment of specific electoral reforms could prompt Americans to question our mission here. However, his perception that Karzai's decree was likely a "done deal" suggests Parliament may not be willing to force Karzai's hand on this issue. We will continue to engage Parliament on electoral reform through a combination of Front Office and Political Section meetings with MPs and roundtables with parliamentarians, representatives from civil society, and the media. The obstacle we face is that Afghan politicians know that arguing against "nationalization" of the elections process is a losing hand domestically, and that Karzai, on the other hand, not a state or institution builder, knows a winning hand when he sees one.
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